WAYNE OWENS
UTAH — 2nd DISTRICT

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Congress of the United States
House of Representatives
Washington, D.C. 20515

August 4, 1992

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Richard Guimond
Deputy Assistant Administrator
U.S. Environmental Protection Agency
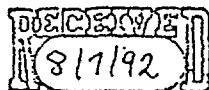401 M Street, SW
Washington, DC 20460

Dear Mr. Guimond:

I am writing concerning our meeting scheduled for September 15 to discuss EPA's proposal to list the Richardson Flat Tailings Site on the National Priorities List.

At the outset, I would like to express my continuing concern over the EPA's actions in connection with the Richardson Flat Site. It has recently come to my attention that monitoring wells installed at the site by EPA's contractor were improperly constructed and completed and have caused potential contamination of local groundwater. This is only the latest in long series of troubling developments with regard to this site dating back to 1988 when the EPA originally proposed to include Richardson Flat on the National Priorities List (NPL). What prompted my initial concern back in 1988 and what prompts my concern now is what I see as procedural and substantive irregularities in EPA's actions concerning the Richardson Flat site. It is my intention to have a full airing of these issues during our meeting.

At the same time, I recognize that matters pending before federal agencies may be subject to ex parte provisions of the Administrative Procedures Act (APA). I fully expect that our meeting would be conducted consistent with these provisions and other applicable laws, just as any other communications between EPA and me or my staff. Accordingly, I am seeking confirmation that EPA's proposal to list the Richardson Flats site on the NPL would not be a matter subject to the APA's ex parte provisions. It is my understanding that these provisions would not apply to this matter, but I would appreciate your confirming this to avoid any possible misunderstanding.

Finally, I would like to expand the agenda for our September 15 meeting in order raise certain concerns regarding the Sharon Steel/Midvale Tailings Site. Specifically, I want to discuss EPA's selection of capping as the preferred remedy for this site and to clarify the status of an interest bearing account which results

from settlement of litigation at the site. Your availability to discuss these additional matters on September 15 would be greatly appreciated.

Please advise me whether you are available to discuss these additional issues during our September 15 meeting as well as EPA's view of the applicability, if any, of the ex parte provisions of the Administrative Procedures Act to our discussions concerning the Richardson Flat and Sharon Steel sites during that meeting. If possible, I would appreciate your response by the end of this month.

Thank you in advance for your prompt response, and I look forward to our meeting on September 15.

Cordially,

Wayne Owens

CONTROL SLIP FOR OFFICE OF CONGRESSIONAL CORRESPONDENCE

FYI Robert Duprey 8/11/92
8 HWM

CONTROL NO : AL923768

FROM : OWENS, WAYNE   D/UT
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.   20515

Copy to:
—Reed
—McCeney
—Vance
—G. Campbell
—Arell/Oberley

DUE DATE: 08/24/92

CORRES. DATE: 08/04/92

RECEIVED: 08/07/92

ASSIGNED: 08/07/92

CLOSED :   / /.

SALUTATION : DEAR MR. OWENS:

CONSTITUENT :

SUBJECT : MEETING SEPTEMBER 15/EPA'S PROPOSAL TO LIST/RICHARDSON FLAT
TAILINGS SITE ON THE NATIONAL PRIORITIES LIST/SHARON
STEEL/MIDVALE TAILINGS SITE

Sam—can you please coord. w/
HQ to see if we need to prepare
briefing papers and/or attend.
Please drop me & Dupre, a
note as soon as possible, he
may want to attend or at
least be on premeeting
conf. call.
Thx. Rtn.
D. Shanna
8/14

SIGNATURE : ASSISTANT ADMINISTRATOR

COURTESY COPIES:

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  CLA/QUINN

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FILES (AL).

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